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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,204	11/12/2003	Everett R. Salinas	200302273-2	6002

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CHANG, YEAN HSI

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,204

Applicant(s)

SALINAS ET AL.

Examiner

Yean-Hsi Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No.

6,667,879 B2 (Pat'879). Although the conflicting claims are not identical, they are not patentably distinct from each other because all subject matters claimed are the same except the arrangements in the claims are different and some terminologies claimed are different, such as: a removable component vs. a drive, a retention latch vs. a latch, a leveraging release member vs. a lever, a multi-stage actuator vs. an actuation member, a first actuator member vs. a button, a second actuator member vs. a base portion, a flexible member vs. a spring member, an angled surface vs. a sliding surface, and etc. Even though there are subject matters not claimed in the claims of Pat'879, such as a

pivot, and a catch member; however, It would have been obvious to one having ordinary skill in the art that there must be a pivot for "a lever pivotally mounted ...", and there must be a catch member for "a catch configured to secure the drive to the chassis."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. (US 5,305,180).

Mitchell teaches a latch mechanism (fig. 4) for a removable component (20) of an electronic device (10), comprising: a retention latch (90), a leveraging release member (135), and a multi-stage actuator (40) comprising: a first actuator member (108) having a generally linear path of travel (horizontally in fig. 4) and being engageable in a first position (fig. 6B) to move the retention latch, and a second actuator member (42) having a generally linear path of travel (horizontally in fig. 4) and being engageable in a second position (fig. 6B) to move the leveraging release member (claim 1); wherein the retention latch comprises a catch member (95) disposed adjacent a flexible member (98) adapted to facilitate movement of the catch member between secured and released positions (claim 2); wherein the first actuator member and the retention latch

are wedgingly engageable along at least one angled surface (105 and 110; also see col. 6, lines 52-59) (claim 3); wherein the at least one angled surface is disposed on the retention latch (105) (claim 4); wherein the at least one angled surface is disposed on the first actuator (110) (claim 5); wherein the leveraging release member comprises a pivot joint (136) and an abutment surface (at 137) offset from the pivot joint, wherein the second actuator member is movable against the abutment surface in the second position (figs. 6) (claim 6); wherein the first and second positions are disposed apart along a substantially linear path (see figs. 6) (claim 7); and wherein the first actuator member comprises an externally accessible engagement portion (41) adapted for user engagement outside the electronic device (claim 10).

5. Claims 12-15, 17-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al.

Mitchell teaches a computer drive (20, fig. 2) comprising: a drive chassis (20), a latch (90) movable between released and secured positions (figs. 5) against the drive chassis, a lever (135) movable between unleveraged and leveraged positions (figs. 6) against the drive chassis, a first actuator (108) configured to engage with the latch to move the latch from the secured position to the released position, and a second actuator (42) configured to engage with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position (claim 12); wherein the drive chassis comprises a rewritable storage device (20) (claim 13); wherein the rewritable storage device comprises a hard disk drive or a

floppy disk drive (see col. 1, lines 27-39) (claims 14 and 15); wherein the latch comprises a catch member (95) disposed adjacent a forcibly-flexible member (98) (claim 17); wherein the first actuator and the latch are wedgingly engageable along an angled surface (110 and 105) (claim 18); wherein the lever comprises a pivot joint (136) and an abutment surface (at 137) offset from the pivot joint, wherein the second actuator is movable against the abutment surface (see col. 7, lines 31-34) (claim 19); wherein the first and second actuators are movable one after another along a substantially linear path (fig. 4) (claim 20); and wherein at least one of the first and second actuators comprises an externally accessible engagement portion (41) (claim 22).

6. Claims 23-28, 30-33, 35-37, 39-42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al.

Mitchell teaches a computer chassis (14, fig. 1) comprising: a support structure (37) having a receptacle (fig. 2) adapted to receive a removable component (20), a component retention latch (90) adapted to latch the removable component removably within the receptacle, a component release lever (135) adapted to leverage the removable component out of the receptacle, a first actuator (108) movable in a first linear path (horizontal in fig. 4) adapted to unlatch the component retention latch from the removable component, and a second actuator (42) movable in a linear second path (horizontal in fig. 4) adapted to bias the lever against the removable component; wherein the support structure comprises a computer (10, fig. 1) (claim 24); wherein the

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component retention latch comprises a catch member (95) disposed against a flexible member (98) adapted to bend and to position the catch member between secured and unsecured configurations with the removable component (figs. 6) (claim 25); wherein the first actuator and the component retention latch are wedgingly engageable along an angled surface (105 and 110) to bias the component retention latch (claim 26); wherein the component release lever comprises a pivot joint (136) and an abutment surface (at 137) offset from the pivot joint, wherein the second actuator is movable against the abutment surface during the second path (fig. 6B) (claim 27); wherein the first and second paths are substantially aligned with one another (both horizontal in fig. 4) (claim 28); wherein at least one of the first and second actuators comprises an externally accessible engagement portion (41) extending outside the support structure (claim 30); wherein the externally accessible engagement portion comprises a button (41, fig. 4) (claim 31); a method of operating the mechanism claimed in claims 32-33 and 35-37 being disclosed in the specification; and a method of manufacturing the mechanism as claimed in claims 39-42 and 44 being disclosed in the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 11, 21, 29, 34, 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. in view of Lwee (US 5,299,089).

Mitchell discloses the claimed invention except the first and the second actuator member being disposed movably one within the other.

Lwee teaches a disk drive latch mechanism (fig. 1) comprising a first actuator member (62b) and a second actuator member (104) being externally accessible (claims 11 and 38) and disposed movably one within the other (see col. 8, lines 21-27) (claims 8, 21, 29, 34 and 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Mitchell with the actuator members taught by Lwee for operating the actuator members independently and in a proper sequence.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. in view of Cheng (US 6,469,900 B2).

Mitchell discloses the claimed invention except the first and the second actuator member each comprising a button.

Cheng teaches a latch mechanism (fig. 2) for a removable component (110) of an electronic device (100), comprising a first actuator member (204) having a first button (112) and a second actuator member (214) having a second button (114).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Mitchell with the actuator members taught by Cheng for operating the actuator members independently and in a proper sequence.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. in view of Tirrell et al. (US 5,828,546).

Mitchell discloses the claimed invention except the drive chassis comprising an optical storage device.

Tirrell teaches a computer drive (35, fig. 2) comprising a drive chassis (01) including an optical storage drive (see col. 6, line 63 through col. 7, line 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Mitchell with the disk drive taught by Tirrell so the latch mechanism may be applied to a optical storage drive for increasing the flexibility.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 12, 23, 32 and 39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

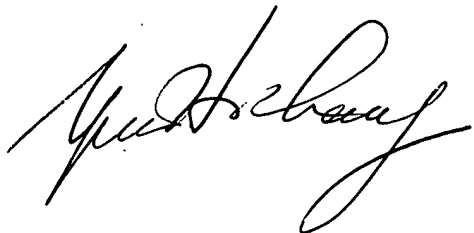
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular communications and for After Final communications. There are RightFax numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
December 9, 2004

A handwritten signature in black ink, appearing to read 'Yean-Hsi Chang', written in a cursive style.